

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND Senate Bill No. 611, Page 1, Section A, Line 2, by inserting after all of said section the
2 following:

3 "301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
4 of registration and the right to use the number plates shall expire and the number plates shall be
5 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
6 person other than the person to whom such number plates were originally issued to have the same
7 in his or her possession whether in use or not, unless such possession is solely for charitable
8 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or
9 trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly
10 purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates
11 shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor
12 vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly
13 purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer
14 are still valid.

15 2. In the case of a transfer of ownership the original owner may register another motor
16 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is
17 of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
18 seating capacity, not in excess of that originally registered. When such motor vehicle is of greater
19 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
20 seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two
21 dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower,
22 gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for
23 which a lesser fee is prescribed, applicant shall not be entitled to a refund.

24 3. License plates may be transferred from a motor vehicle which will no longer be
25 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
26 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in
27 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that
28 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of

greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5.] The director of revenue shall have authority to produce or allow others to produce a new temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit [shall be made available by the director of revenue and] authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director [shall] or a producer authorized by the director may make temporary permits available to registered dealers in this state or authorized agents of the department of revenue [in sets of ten permits]. The [fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued] price paid by a registered dealer or an authorized agent of the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director shall direct dealers and authorized agents to obtain temporary permits from the authorized producer. Amounts received by the director for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director shall not constitute state revenue and any amounts received by dealers or authorized agents for temporary permits

1 purchased from a producer other than the director shall not constitute state revenue. In no event
2 shall revenues from the general revenue fund or any other state fund be utilized to compensate
3 motor vehicle dealers or other producers for their role in producing temporary permits as
4 authorized under this section. Amounts that do not constitute state revenue under this section
5 shall also not constitute fees for registration or certificates of title to be collected by the director
6 under section 301.190. No dealer or authorized agent shall charge more than [seven dollars and
7 fifty cents] five dollars for each permit issued. The permit shall be valid for a period of thirty days
8 from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor
9 vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit
10 shall be issued for a vehicle under this section unless the buyer shows proof of financial
11 responsibility.

12 [6.] 5. The permit shall be issued on a form prescribed by the director and issued only for
13 the applicant's [use in the] temporary operation of the motor vehicle or trailer purchased to enable
14 the applicant to [legally] temporarily operate the vehicle while proper title and registration [plate]
15 plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed
16 on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or
17 renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle
18 or trailer. The director shall determine the size [and], material, design, reporting and tracking
19 method to the Missouri uniform law enforcement system, numbering configuration, construction,
20 and color of the permit. The director, at his or her discretion, shall have the authority to reissue,
21 and thereby extend the use of, a temporary permit previously and legally issued for a motor
22 vehicle or trailer while proper title and registration are being obtained.

23 [7. The dealer or authorized agent shall insert the date of issuance and expiration date,
24 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The
25 dealer shall also insert such dealer's number on the permit.]

26 _____ 6. Every dealer that issues [a] temporary [permit] permits shall keep, for inspection [of] by
27 proper officers, [a correct] an accurate record of each permit issued by recording the permit [or
28 plate] number, the dealer's number, buyer's name and address, the vehicle's year, make, and
29 manufacturer's vehicle identification number [on which the permit is to be used], and the
30 permit's date of issuance and expiration date.

31 [8.] 7. Upon the transfer of ownership of any currently registered motor vehicle wherein
32 the owner cannot transfer the license plates due to a change of vehicle category, the owner may
33 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
34 of the original registration fee against the registration fee of another motor vehicle. Such credit
35 shall be granted based upon the date the license plates are surrendered. No refunds shall be made

1 on the unused portion of any license plates surrendered for such credit. 8. The director may
2 promulgate all necessary rules and regulations for the administration of this section. Any rule or
3 portion of a rule, as that term is defined in section 536.010, that is created under the authority
4 delegated in this section shall become effective only if it complies with and is subject to all of the
5 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
6 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
7 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
9 August 28, 2012, shall be invalid and void.

10 301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning
11 July 1, 2000, the director of revenue may provide owners of motor vehicles, other than
12 commercial motor vehicles licensed in excess of [twelve] fifty-four thousand pounds gross
13 weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an
14 even-numbered model year vehicle shall be renewed each even-numbered calendar year and any
15 such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each
16 odd-numbered calendar year, subject to the following requirements:

17 (1) The fee collected at the time of biennial registration shall include the annual
18 registration fee plus a pro rata amount for the additional twelve months of the biennial
19 registration;

20 (2) Presentation of all documentation otherwise required by law for vehicle registration
21 including, but not limited to, a personal property tax receipt or certified statement for the
22 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor
23 vehicle safety inspection and any applicable emission inspection conducted within sixty days prior
24 to the date of application and proof of insurance as required by section 303.026.

25 2. The director of revenue may prescribe rules and regulations for the effective
26 administration of this section. The director is authorized to adopt those rules that are reasonable
27 and necessary to accomplish the limited duties specifically delegated within this section. Any rule
28 or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the
29 authority delegated in this section shall become effective only if it has been promulgated pursuant
30 to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the
31 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
32 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
33 rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and
34 void.

35 3. The director of revenue shall have the authority to stagger the registration period of
36 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand

1 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial
2 registration, such registration must be maintained for the full twenty-four month period.

3 301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
4 vehicle dealer, boat dealer, manufacturer , boat manufacturer, public motor vehicle auction,
5 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
6 license from the department as required in sections 301.550 to 301.573. Any person who
7 maintains or operates any business wherein a license is required pursuant to the provisions of
8 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
9 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class D
10 felony.

11 2. All dealer licenses shall expire on December thirty-first of [each year] the designated
12 license period. The department shall notify each person licensed under sections 301.550 to
13 301.573 of the date of license expiration and the amount of the fee required for renewal. The
14 notice shall be mailed at least ninety days before the date of license expiration to the licensee's last
15 known business address. The director shall have the authority to issue licenses valid for a period
16 of up to two years and to stagger the license periods for administrative efficiency and equalization
17 of workload, at the sole discretion of the director.

18 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
19 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
20 application to the department for issuance of a license. The application shall be on forms
21 prescribed by the department and shall be issued under the terms and provisions of sections
22 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
23 license, to provide such information as the department may deem necessary to determine that the
24 applicant is bona fide and of good moral character, except that every application for a license shall
25 contain, in addition to such information as the department may require, a statement to the
26 following facts:

27 (1) The name and business address, not a post office box, of the applicant and the
28 fictitious name, if any, under which he intends to conduct his business; and if the applicant be a
29 partnership, the name and residence address of each partner, an indication of whether the partner
30 is a limited or general partner and the name under which the partnership business is to be
31 conducted. In the event that the applicant is a corporation, the application shall list the names of
32 the principal officers of the corporation and the state in which it is incorporated. Each application
33 shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an
34 applicant is a partnership or corporation, then by a partner or officer;

35 (2) Whether the application is being made for registration as a manufacturer, boat
36 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor

1 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

2 (3) When the application is for a new motor vehicle franchise dealer, the application shall
3 be accompanied by a copy of the franchise agreement in the registered name of the dealership
4 setting out the appointment of the applicant as a franchise holder and it shall be signed by the
5 manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall include
6 a description of the make of all motor vehicles covered by the franchise. The department shall not
7 require a copy of the franchise agreement to be submitted with each renewal application unless the
8 applicant is now the holder of a franchise from a different manufacturer or distributor from that
9 previously filed, or unless a new term of agreement has been entered into;

10 (4) When the application is for a public motor vehicle auction, that the public motor
11 vehicle auction has met the requirements of section 301.561.

12 4. No insurance company, finance company, credit union, savings and loan association,
13 bank or trust company shall be required to obtain a license from the department in order to sell
14 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
15 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
16 with applicable title and registration laws of this state.

17 5. No person shall be issued a license to conduct a public motor vehicle auction or
18 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573 or
19 other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which resulted in
20 a felony conviction or finding of guilt or a violation of any federal motor vehicle laws which
21 resulted in a felony conviction or finding of guilt.

22 6. Pursuant to section 23.253 of the Missouri sunset act:

23 (1) Any new program authorized under this section shall automatically sunset six years
24 after the effective date, unless reauthorized by an act of the general assembly; and

25 (2) If such program is reauthorized, the program authorized under this section shall
26 automatically sunset twelve years after the effective date of the reauthorization of this section; and

27 (3) This section shall terminate on September first of the calendar year immediately
28 following the calendar year in which a program authorized under this section is sunset.”; and
29

30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.